

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DALE P. DAVIS,

Plaintiff,

V.

BRENDA POWERS, CATHI HARRIS,  
JAMES ANDERSON,

## Defendants.

No. C08-5751 FDB/KLS

ORDER GRANTING DEFENDANTS' MOTION TO WITHDRAW MOTION TO COMPEL (DKT. 23) AND TO CORRECT AFFIDAVITS

This matter is before the Court on the motion of Defendants to withdraw their motion to compel (Dkt. 23), which was noted on the court's calendar for October 30, 2009. Dkt. 32. Attorneys for the defendants state that they have recently been provided information that substantially changes the necessity of their motion to compel. In addition to withdrawing their motion to compel, Defendants move to correct their reply and the supporting declaration of Brenda Powers (Dkts. 28 and 29) that they previously submitted in support of their motion to compel. Dkt. 36. Defendants state that these documents were factually incorrect in stating that no other residents at SCC possessed the same model television that is the subject of this lawsuit. Dkt. 36. Defendants intend to file motions to amend their answer and will amend their responses to requests for admissions and interrogatories.

Accordingly, it is **ORDERED**:

## ORDER - 1

1 (1) Defendants' motion to withdraw (Dkt. 32) their motion to compel (Dkt. 23) is

2 **GRANTED** and the Clerk of the Court shall **strike** the motion from the court's docket.

3 (2) Defendants' motion to correct their reply and the declaration of Brenda Powers  
4 (Dkt. 36) is **GRANTED**.

5 (3) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.

6 DATED this 23rd day of November, 2009.

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10 Karen L. Strombom  
11 United States Magistrate Judge